City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Zoning Map Amendment
Case Number:	REZ-2021-0066
Bill Number:	Z-22-01-06
Council District:	3-Tom Didier

Introduction Date:	January 11, 2022
Plan Commission Public Hearing Date:	January 10, 2022 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance:	To rezone approximately 19.73 acres from AR/Low Intensity to R1/Single Family Residential.
Location:	South side of the 100 to 300 blocks of Till Road
Reason for Request:	To allow a 50-lot single family subdivision.
Applicant:	Cedar Grove Development, LLC
Property Owner:	Randy L. Waters

Related Petitions:	Primary Plat, Cedar Grove

Effect of Passage:	Property will be rezoned to the R1/Single Family Residential zoning district, which will permit a planned, platted subdivision.
Effect of Non-Passage:	The property will remain zoned AR/Low Intensity Residential and will continue to allow single residential tracts and low intensity agricultural uses.

#REZ-2021-0066

BILL NO. Z-22-01-06

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-54 (Sec. 02 of Washington Township)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R1 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

The Northeast ¼ of the Southeast ¼ of Section 2, Township 31 North, Range 12 East, in Allen County, Indiana, excepting therefrom the East 5 acres and the West 15 acres.

and the symbols of the City of Fort Wayne Zoning Map No. M-54 (Sec. 02 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Council Member

APPROVED AS TO FORM AND LEGALITY:

_____
Carol T. Helton, City Attorney

Department of Planning Services
Rezoning Petition Application

Applicant

Applicant Cedar Grove Development, LLC
Address 1020 Woodland Plaza Run
City Fort Wayne State IN Zip 46825
Telephone 260-469-6451 E-mail khartman@graniteridgebuilders.com

Contact Person

Contact Person David D. Brown
Address P.O. Box 389 / 5491 County Road 427
City Auburn State IN Zip 46706
Telephone 260-925-2020 E-mail davidb@dabrownengineering.com

All staff correspondence will be sent only to the designated contact person.

Request

☐ Allen County Planning Jurisdiction ■ City of Fort Wayne Planning Jurisdiction
Address of the property 118 E Till Road, Fort Wayne IN 46825
Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 19.73ac
Proposed density 2.53 units per acre
Township name Washington Township section # 2
Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single story apartment complex

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements

Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☐ Applicable filing fee
- ☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Questionnaire (original and 10 copies) County Rezonings Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of $0.85 per notice and a public notice fee of $50.00 per Indiana code.

(printed name of applicant)	(signature of applicant)	(date)
Kathleen M Hartman	Kathleen M. Hartman	11/10/2021
Randy L. Waters	Randy Waters	11-09-21

Received	Receipt No.	Hearing Date	Petition No.
12-7-21	139045	1-10-2022	REZ-2021-0066

REZ-2021-0066 and PP-2021-0037 Cedar Grove



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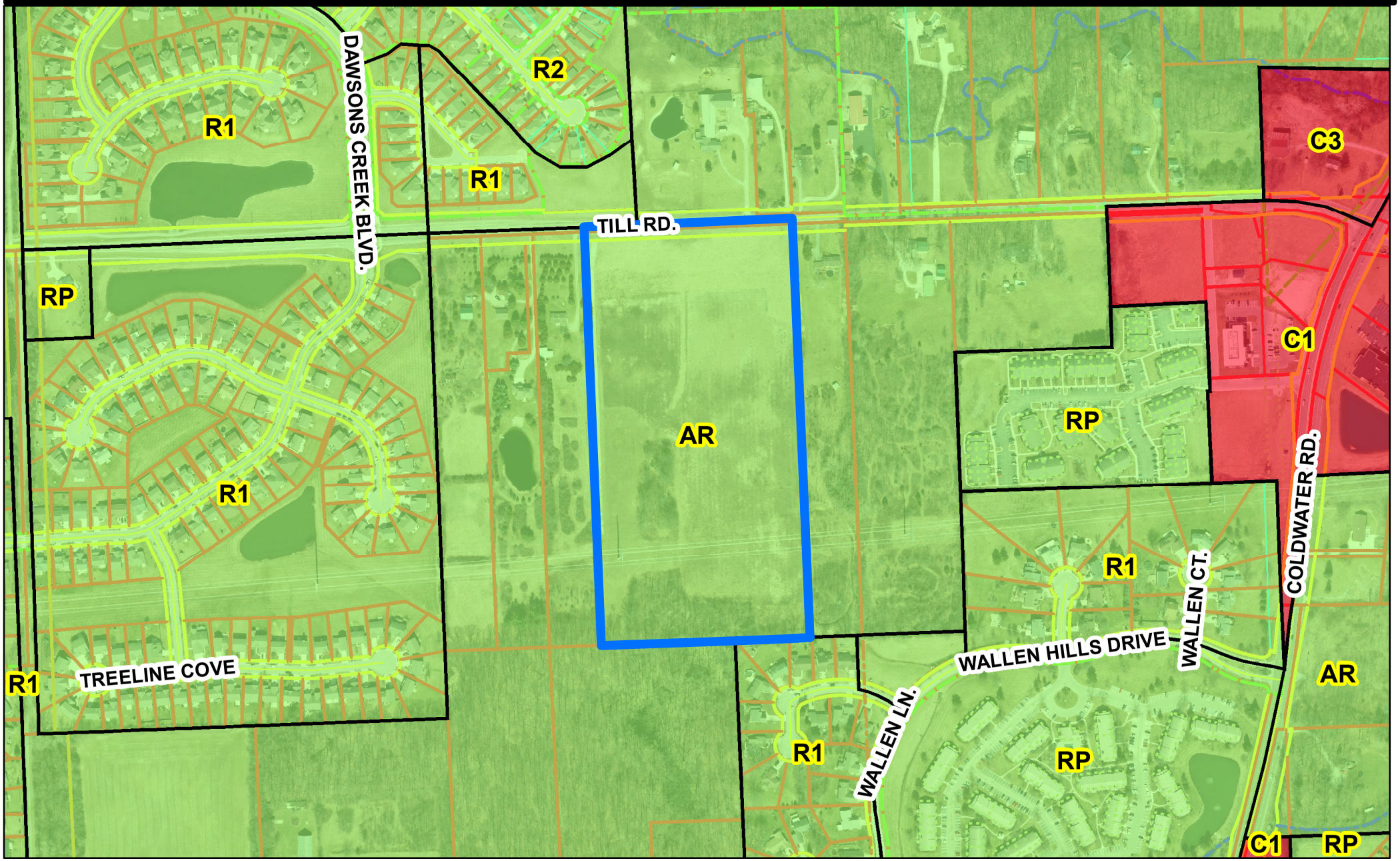
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 12/30/2021

0 250 500 Feet

N

1 inch = 400 feet

REZ-2021-0066 and PP-2021-0037 Cedar Grove



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Primary Plat

Cedar Grove

A Subdivision Located in the Southeast Quarter of Section 2, Township 31 North, Range 12 East.

Allen County, Indiana

THIS INDENTURE WITNESSETH, that Marjorie R. Waters

GRANTOR(S) of Allen County in the State of Indiana

QUITCLAIM(S) to Randy L. Waters

GRANTEE(S) of Allen County in the State of Indiana

in consideration of One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, in the State of Indiana:

The Northeast 1/4 of the Southeast 1/4 of Section 2, Township 31 North, Range 12 East, in Allen County, Indiana.

ALSO:

Grantor herein warrants that she was the wife of Orville M. Waters, with whom she took title to this property. Said grantor lived with Orville M. Waters as husband and wife uninterrupted until the date of death of said Orville M. Waters, being November 25, 1998. Grantor further Warrants that there are no unpaid taxes constituting a lien upon this property as the result of the death of said Orville M. Waters.

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

THIS SUPPLEMENTAL EASEMENT AND RIGHT OF WAY made by and between Randy L. Waters, whose address is 118 East Till Road, Fort Wayne, Indiana 46825 ("Grantor"), whether one or more persons, and Indiana Michigan Power Company, an Indiana corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215 ("AEP").

WHEREAS, AEP Indiana Michigan Power Company is the owner of a right of way and easement under the terms of the following agreement recorded in the Recorder's Office of Allen County, Indiana by and between John S. Waters and Della Waters, husband and wife, and Indiana & Michigan Electric Company, a predecessor in title to AEP, dated, September 13, 1926, and recorded in Volume 313, Page 404 (Map 503, Easement 12) (the "Original Easement"); and

WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Easement.

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor hereby grants and conveys this Supplemental Easement and Right of Way to AEP, its successors and assigns for the purpose of electric transmission, distribution and communication, in order to supplement and modify the Original Easement (insofar as it encumbers property of the Grantor situated in the State of Indiana, Allen County, Washington Township, Section 2, Township 31 North, Range 12 East, being the same premises as described in Instrument Number 990064761 (Parcel No. 02-07-02-426-008.000-073), as follows:

The Easement Area is more fully described and depicted on Exhibit "A", a copy of which is attached hereto and made a part hereof ("Easement Area").

GRANTOR FURTHER GRANTS AEP THE FOLLOWING RIGHTS:

The right, now and in the future, to construct, reconstruct, operate, maintain, alter, improve, extend, inspect, patrol, protect, repair, remove, replace, upgrade and relocate within the Easement Area, poles, towers, and structures, made of wood, metal, concrete or other materials, and crossarms, guys, anchors, grounding systems, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables ("Facilities"); together with the right to add to said Facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement herein granted.

The right, in AEP's discretion, to cut down, trim, remove, and otherwise control, using herbicides or tree growth regulators or other means any and all trees, overhanging branches, vegetation and brush situated within the Easement Area. AEP shall also have the right to cut down, trim or remove trees situated on lands of Grantor which adjoin the Easement Area when in the opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of Facilities or ingress or egress to, from or along the Easement Area.

The right of unobstructed ingress and egress, at any and all times, over, across and along and upon the Easement Area, and across the adjoining lands of Grantor as may be necessary for access to and from the Easement Area for the above referenced purposes.

THIS GRANT IS SUBJECT TO THE FOLLOWING CONDITIONS:

The Grantor reserves the right to cultivate annual crops, pasture, construct fences (provided gates are installed that adequately provide AEP the access rights conveyed herein) and roads or otherwise use the lands encumbered by this Easement in any way not inconsistent with the rights herein granted. In no event, however, shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, swimming pools or wells, or permit any alteration of the ground elevation, over, or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction placed within the Easement Area, and may re-grade any alterations of the ground elevation within the Easement Area.

AEP agrees to repair or pay the Grantor for actual damages sustained by Grantor to crops, fences, gates, irrigation and drainage systems, drives, or lawns that are permitted herein, when such damages arise out of AEP's exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, or the removal of any Facilities from the Easement Area, shall not be deemed to constitute an abandonment or waiver of the rights granted herein.

Except as supplemented and amended herein, the Original Easement shall remain in full force and effect. The Original Easement, as supplemented and amended herein, contains the complete agreement, express and implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

Any remaining space on this page left intentionally blank. See next page for signatures.

Project Jurisdiction Summary:

Sanitary Sewer Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

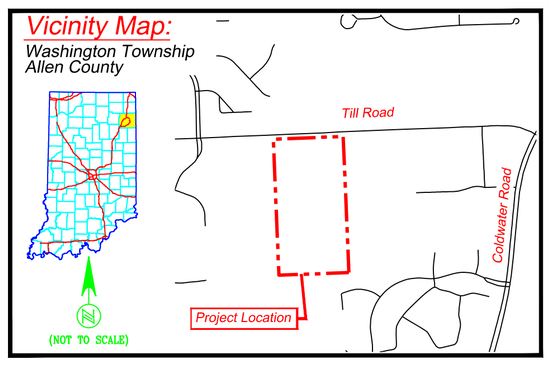
Water Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

Drainage Approval:
Allen County Surveyors Office
200 E. Berry Street
Suite 350
Fort Wayne, IN 46802
(260) 449-7625

Planning/Development Approval:
Allen County Department of Planning Services
200 E. Berry Street
Suite 150
Fort Wayne, IN 46802
(260) 449-7607

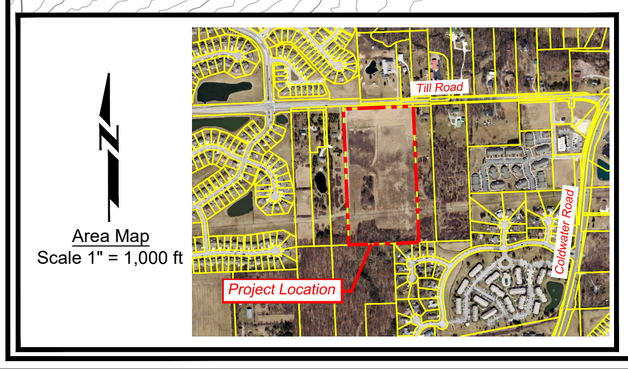
Traffic, Street & Right-of-Way Approval:
Allen County Highway Department
200 E. Berry Street
Suite 280
Fort Wayne, IN 46802
(260) 449-7369

Vicinity Map:
Washington Township
Allen County



Developer:
Cedar Grove Development LLC
1020 Woodland Plaza Run
Fort Wayne, IN 46825
Tel: (260) 490-1417

Engineer:
D.A. Brown Engineering Consultants
5491 County Road 427, P.O.Box 389, Auburn, IN 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com



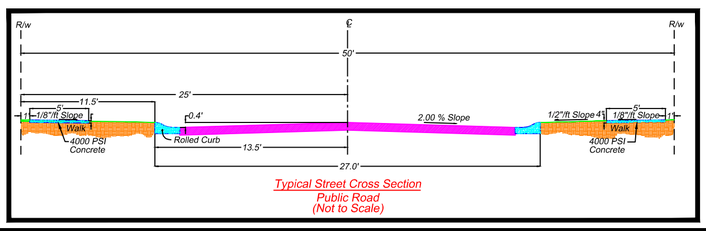
Area Map
Scale 1" = 1,000 ft

Scale 1" = 50 ft
November 7, 2021

General Notes:

1. All Right-of-Way intersection radii to be 25 feet.
2. All Right-of-Ways to be dedicated to the City of Fort Wayne.
3. All Cul-de-Sac Right-of-Way to be 50' radius.
4. All Park areas, Common areas, or Block areas to have a blanket utility and surface drainage easement.
5. All proposed streets to be asphalt, 27' wide back to back of concrete curbs; Curbs to be 2' wide.
6. U.&S.D. Esmt. denotes Utility and Surface Drainage Easement.
7. B.L. denotes Building Line.
8. Utility Esmt. denotes Utility Easement.
9. S.L. Esmt. denotes Street Light Easement.
10. S.D. Esmt. denotes Surface Drainage Easement.
11. Street light locations & type per City of Fort Wayne specifications.
12. Shade tree plantings within Right-of-Ways per City of Fort Wayne specifications.

Note:
According to the Flood Insurance Rate Map (FIRM) Numbered 18003 C 0170G & Effective Date August 3, 2009, the herein described real estate is located in the unshaded Zone X, noted as areas determined to be outside of the 0.2% annual chance floodplain.



Typical Street Cross Section
Public Road
(Not to Scale)

Date:	Drawn By:
11/7/2021	
Scale:	Checked By:
As Noted	
Job No.	Sheet No.
2110-01	1 of 1

Revisions	
Date:	Description:

#REZ-2021-0066

BILL NO. Z-22-01-06

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AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-54 (Sec. 02 of Washington Township)

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_____
Council Member

APPROVED AS TO FORM AND LEGALITY:

_____
Carol T. Helton, City Attorney

#REZ-2021-0066

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Carol T. Helton, City Attorney

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DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Zoning Map Amendment
Case Number:	REZ-2021-0066
Bill Number:	Z-22-01-06
Council District:	3-Tom Didier

Introduction Date:	January 11, 2022
Plan Commission Public Hearing Date:	January 10, 2022 (not heard by Council)
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Synopsis of Ordinance:	To rezone approximately 19.73 acres from AR/Low Intensity to R1/Single Family Residential.
Location:	South side of the 100 to 300 blocks of Till Road
Reason for Request:	To allow a 50-lot single family subdivision.
Applicant:	Cedar Grove Development, LLC
Property Owner:	Randy L. Waters

Related Petitions:	Primary Plat, Cedar Grove

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Department of Planning Services
Rezoning Petition Application

Applicant

Applicant Cedar Grove Development, LLC
Address 1020 Woodland Plaza Run
City Fort Wayne State IN Zip 46825
Telephone 260-469-6451 E-mail khartman@graniteridgebuilders.com

Contact Person

Contact Person David D. Brown
Address P.O. Box 389 / 5491 County Road 427
City Auburn State IN Zip 46706
Telephone 260-925-2020 E-mail davidb@dabrownengineering.com

All staff correspondence will be sent only to the designated contact person.

Request

☐ Allen County Planning Jurisdiction ■ City of Fort Wayne Planning Jurisdiction
Address of the property 118 E Till Road, Fort Wayne IN 46825
Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 19.73ac
Proposed density 2.53 units per acre
Township name Washington Township section # 2
Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single story apartment complex

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements

Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

☐ Applicable filing fee
☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
☐ Legal Description of parcel to be rezoned
☐ Rezoning Questionnaire (original and 10 copies) County Rezonings Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of $0.85 per notice and a public notice fee of $50.00 per Indiana code.

(printed name of applicant)	(signature of applicant)	(date)
Kathleen M Hartman	Kathleen M. Hartman	11/10/2021
Randy L. Waters	Randy Waters	11-09-21

Received	Receipt No.	Hearing Date	Petition No.
12-7-21	139045	1-10-2022	REZ-2021-0066

REZ-2021-0066 and PP-2021-0037 Cedar Grove



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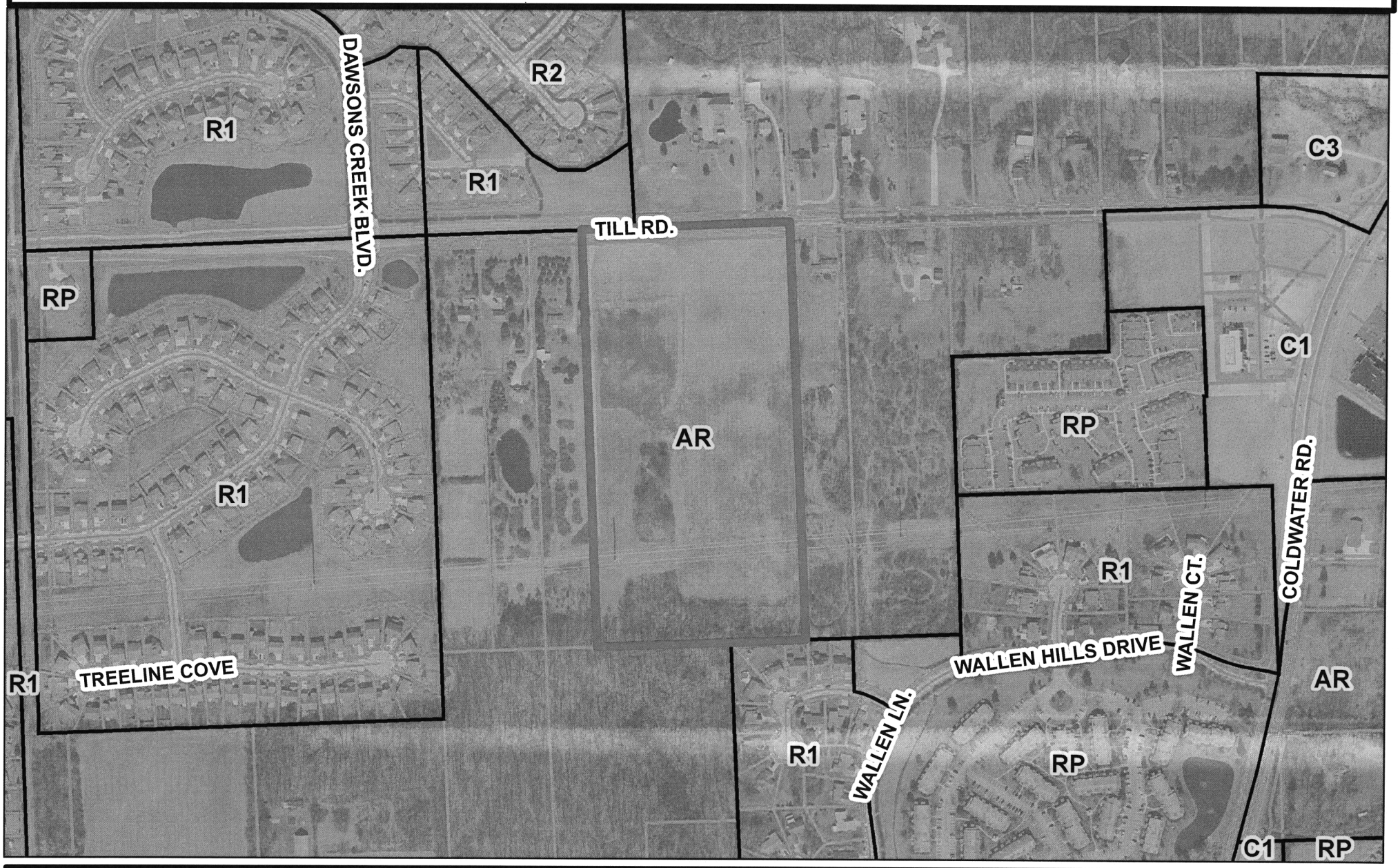

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Primary Plat

Cedar Grove

A Subdivision Located in the Southeast Quarter of Section 2, Township 31 North, Range 12 East.
Allen County, Indiana

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GRANTOR(S) of Allen County in the State of Indiana

QUITCLAIM(S) to Randy L. Waters

GRANTEE(S) of Allen County in the State of Indiana

In consideration of One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, in the State of Indiana:

The Southwest 1/4 of the Southwest 1/4 of Section 2, Township 31 North, Range 12 East, in Allen County, Indiana.

ALSO:

Grantor herein warrants that she was the wife of Orville H. Waters, with whom she took title to this property. Said grantor lived with Orville H. Waters as husband and wife uninterrupted until the date of death of said Orville H. Waters, being November 25, 1996. Grantor further warrants that there are no unpaid taxes constituting a lien upon this property as the result of the death of said Orville H. Waters.

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WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Easement.

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor hereby grants and conveys this Supplemental Easement and Right of Way to AEP, its successors and assigns for the purpose of electric transmission, distribution and communication, in order to supplement and modify the Original Easement (insofar as it encumbers property of the Grantor situated in the State of Indiana, Allen County, Washington Township, Section 2, Township 31 North, Range 12 East, being the same premises as described in Instrument Number 9906047681 (Parcel No. 02-07-02-426-008.005-073), as follows:

The Easement Area is more fully described and depicted on Exhibit "A", a copy of which is attached hereto and made a part hereof ("Easement Area").

GRANTOR FURTHER GRANTS AEP THE FOLLOWING RIGHTS:

The right, now and in the future, to construct, reconstruct, operate, maintain, alter, improve, extend, inspect, patrol, protect, repair, remove, replace, upgrade and relocate within the Easement Area, poles, towers, and structures, made of wood, metal, concrete or other materials, and overstrams, guys, anchors, grounding systems, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables ("Facilities"), together with the right to add to said Facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement herein granted.

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THIS GRANT IS SUBJECT TO THE FOLLOWING CONDITIONS:

The Grantor reserves the right to cultivate annual crops, pasture, construct fences (provided gates are installed that adequately provide AEP the access rights conveyed herein) and roads or otherwise use the lands encumbered by this Easement in any way not inconsistent with the rights herein granted. In no event, however, shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, swimming pools or walls, or permit any alteration of the ground elevation, over, or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction placed within the Easement Area, and may re-grade any alterations of the ground elevation within the Easement Area.

AEP agrees to repair or pay the Grantor for actual damages sustained by Grantor as crops, fences, gates, irrigation and drainage systems, drives, or lawns that are permitted herein, when such damages arise out of AEP's exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, or the removal of any Facilities from the Easement Area, shall not be deemed to constitute an abandonment or waiver of the rights granted herein.

Except as supplemented and amended herein, the Original Easement shall remain in full force and effect. The Original Easement, as supplemented and amended herein, contains the complete agreement, express and implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

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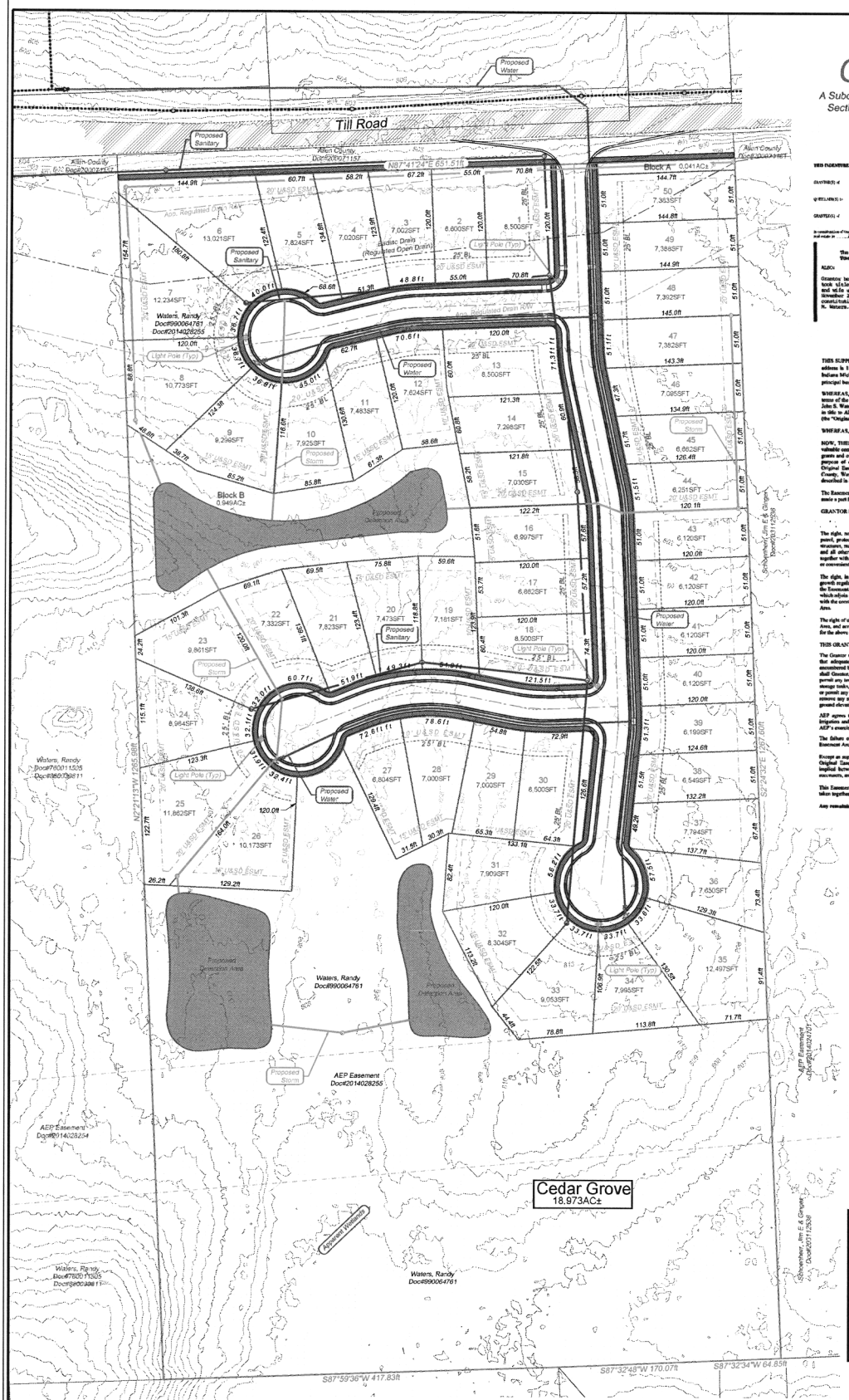


Project Jurisdiction Summary:

Sanitary Sewer Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

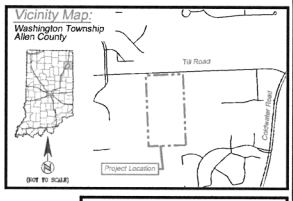
Water Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

Drainage Approval:
Allen County Surveyors Office
200 E. Berry Street
Suite 350
Fort Wayne, IN 46802
(260) 449-7625

Planning/Development Approval:
Allen County Department of Planning Services
200 E. Berry Street
Suite 150
Fort Wayne, IN 46802
(260) 449-7607

Traffic, Street & Right-of-Way Approval:
Allen County Highway Department
200 E. Berry Street
Suite 280
Fort Wayne, IN 46802
(260) 449-7369

Vicinity Map:
Washington Township
Allen County

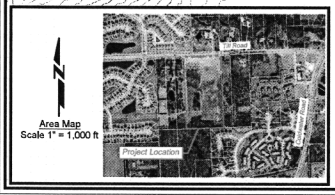


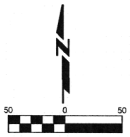
Developer:
Cedar Grove Development LLC
1020 Woodland Plaza Run
Fort Wayne, IN 46825
Tel: (260) 490-1417

Engineer:
D.A. Brown Engineering Consultants
5491 County Road 427, P.O.Box 389, Auburn, IN 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com

General Notes:

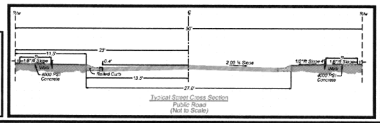
1. All Right-of-Way Intersection radii to be 25 feet.
2. All Right-of-Ways to be dedicated to the City of Fort Wayne.
3. All Cul-de-Sac Right-of-Way to be 50' radius.
4. All Park areas, Common areas, or Block areas to have a blanket utility and surface drainage easement.
5. All proposed streets to be asphalt, 27' wide back to back of concrete curbs. Curbs to be 2' wide.
6. U.&S.D. Esmt. denotes Utility and Surface Drainage Easement.
7. B.L. denotes Building Line.
8. Utility Esmt. denotes Utility Easement.
9. S.L. Esmt. denotes Street Light Easement.
10. S.D. Esmt. denotes Surface Drainage Easement.
11. Street light locations & type per City of Fort Wayne specifications.
12. Shade tree plantings within Right-of-Ways per City of Fort Wayne specifications.





Scale 1" = 50 ft
November 7, 2021

Note:
According to the Flood Insurance Rate Map (FIRM) Numbered 18003 C 0170G & Effective Date August 3, 2009, the herein described real estate is located in the unshaded Zone X, noted as areas determined to be outside of the 0.2% annual chance floodplain.



Date:	Drawn By:
11/7/2021	
Scale:	Checked By:
As Noted	
Job No.	Sheet No.
2110-01	1 of 1

Revisions	
Date:	Description: